

COPY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Burke, *et al.*

Appl. No.: 10/091,342

Filed: March 6, 2002

For: **Process for the Preparation of L-Amino
Acids with Amplification of the zwf Gene**

Group Art Unit: 1652

Examiner: R. Prouty

Atty. Dkt. 7601/80250

Petition Under 37 C.F.R. § 1.78(a)(3)

Commissioner of Patents
U.S. Patent and Trademark Office
Customer Service Window, **MS Petition**
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants hereby request that the above-noted application be amended to claim priority to United States application 09/531,267. The '267 application was filed on March 20, 2000 and was still active at the time the above-noted application was filed, *i.e.*, March 6, 2002. At least one inventor named on the two applications is the same, and an amendment to the specification of the present application properly claiming priority to '267 has been submitted (see page 2 of the Amendment and Response Under 37 C.F.R. § 1.116 attached hereto as Exhibit A).

In accordance with 37 C.F.R. § 1.78(a)(3)(iii), Applicants hereby state that the entire delay between the date the claimed priority was due under 1.78(a)(2)(ii) and the date of the filing of the present petition was unintentional.

The Director is hereby authorized to charge Applicants' Deposit Account No. 06-1135 for the fee required under 37 C.F.R. § 1.17(t) and for any other fees that may be required with respect to the present Petition.

If a phone call may help to expedite this matter, the Examiner is invited to call Applicants' undersigned attorney at (202) 419-7013.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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